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APR 23 2008

REMARKS

In the Office Action dated January 23, 2008, the Patent Office asserted that the claims were directed to genera of patentably distinct species of subject matter and required Applicants to elect a single disclosed species of: (1) each genus compound claimed; as well as (2) a disorder or agent associated with dyskinesia, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. In response, Applicants elect: (1) Tofisopam as the species of genus compound; and (2) parkinsonism as the species of disorder or agent associated with dyskinesia. Claims encompassing the elected invention are claims 26-37, 39-41 and 50.

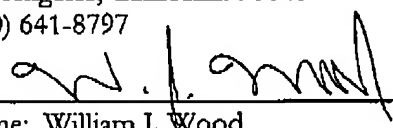
Applicants make this election of species with traverse and will request rejoinder upon allowance of a generic claim. According to M.P.E.P. §803, there are two criteria for a proper restriction requirement. First, the two inventions must be independent and distinct. In addition, there must be a serious burden on the Examiner if restriction is not required. Even if the first criterion has been met in the present case, which it has not, the second criterion has not been met. Applicants assert that a search into prior art with regard to the invention of the different species is so related that separate significant search efforts should not be necessary. Accordingly, there is no serious burden on the Examiner to collectively examine the different claim Groups of the subject application. Therefore, restriction is not proper under M.P.E.P. §803.

It is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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